



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,317	07/14/2003	Stephen J. Plzak	353851-102	7284

39731 7590 12/01/2004

LAW OFFICES OF ARTHUR E. JACKSON
P.O. BOX 88
HOPEWELL, NJ 08525

EXAMINER

CHIN, PAUL T

ART UNIT PAPER NUMBER

3652

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/619,317

Applicant(s)

PLZAK, STEPHEN J.

Examiner

PAUL T. CHIN

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's amendment and the arguments presented therewith have been carefully considered. Regarding Hoody (2,592,696) and Prete, Jr. (3,678,542), they are persuasive in light of the amended claims. However, the argument on Plzak (6,295,700) is not persuasive. Upon further consideration, a new ground(s) of rejection is also made in view of Doty (6,637,077) and Miller et al. (5,581,853). Applicant's amendment (the additions of new limitations in claims 1,6, and new claims 10-19 in combination with other claims) necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL.

Claim Objections

2. Claim 18 is objected to because of the following informalities: the word "a" before "first end" (claim 18, line 1) should be changed to -- said -- or -- the -- since "the first end" has been recited in claim 3, line 2. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

-
4. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Plzak (6,295,700).

Plzak (6,295,700) discloses a carrier system comprising a system having a releasable and adjustable fastening mechanism (600), a buckle, and a serpentine article (650), a strap, engaged in the mechanism and a non-adjustable, closed loop of strap fixedly attached to the serpentine article (see Fig. 8B), and a first end of the strap is fixedly attached to a first end of an attachment and a second end of the strap is threaded for the buckle (see Fig. 8B) free of any spring for biasing the cam. It is pointed out that Plzak (6,295,700) discloses all the structural limitations and is capable of securing an object and capable of transporting or hanging an object.

5. Claims 1,2, and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Doty (6,637,077).

Doty (6,637,077) discloses a carrier or securing system comprising a system having a releasable and adjustable fastening mechanism (24,25), a buckle, and a serpentine article (20,22), a strap, engaged in the mechanism and a non-adjustable, closed loop of strap (34,48) fixedly attached to the serpentine article (see Figs. 3,5, and 8), and a first end of the strap is fixedly attached to a first end of an attachment and a second end of the strap is threaded for the buckle.

6. Claims 1,2, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller et al. (5,581,853).

Miller et al. (5,581,853) discloses a carrier or securing system comprising a system having a releasable and adjustable fastening mechanism (16), a buckle, and a

serpentine article (12), a strap, engaged in the mechanism and a non-adjustable, closed loop of strap (18) fixedly attached to the serpentine article, and a first end of the strap is fixedly attached to a first end of an attachment and a second end of the strap is threaded for the buckle.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plzak (6,295,700).

Plzak (6,295,700), as presented in section 4 above, does not show the structural dimensional limitations (e.g., the loop being from 4 to 12 inches in circumference, the position of the loop is within 3 inches or 6 inches of a first end of the strap), and it would have been obvious design choice to provide the desired structural dimensional limitations on the Plzak's buckle (6,295,700) to provide a user's preference.

9. Claims 8-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plzak (6,295,700) in view of Kim (4,971,354) or the France Patent (FR 2,744,997).

Re claims 8-11, 13, and 14, Plzak (6,295,700), as presented in sections 4 and 8 above, does not show that the non-adjustable loop is produced by the method of folding and affixing the strap in a S-curve by sewing, tacking, stitching. However, Kim (4,971,354) shows a safety belt of strap (12) being folded as an S-shape by sewing and stitching

(see Figs. 5 and 11) to secure the strap. Moreover, the France Patent (FR 2,744,997) also shows a strap (1) *being folded as an S-shape by sewing and stitching* (see Figs. 3a,3b, and 4a) as a means to identify or locate the applied length of the strap.

Accordingly, it would have been obvious design choice to provide the loop of Plzak (6,295,700) to be *produced by the method of folding and affixing the strap in a S-curve by sewing, tacking, stitching* as taught by Kim (4,971,354) or the France Patent (FR 2,744,997) to firmly secure the loop.

Re claims 12, 15-19, as presented in section 8 above, it would have been obvious design choice to provide the desired structural dimensional limitations on the modified Plzak's securing system to provide a user's friendly and better secured device.

10. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doty (6,637,077).

Doty (6,637,077), as presented in section 5 above, does not show the structural dimensional limitations (e.g., the loop being from 4 to 12 inches in circumference, the position of the loop is within 3 inches or 6 inches of a first end of the strap), and it would have been obvious design choice to provide the desired structural dimensional limitations on the Doty (6,637,077) to provide a user's preference.

11. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doty (6,637,077) in view of Plzak (6,295,700).

Doty (6,637,077), as presented in section 5 above, shows a first end of the strap and a second end, but does not show the buckle free of any spring for biasing the cam.

However, Plzak (6,295,700) clearly shows the limitations and it would have been

obvious to provide the buckle of Plzak (6,295,700) (instead of buckle 24,25) on the Doty's securing system to provide more flexibility. It is pointed out the loop of Plzak's device can be modified by any conventional means to form a loop (Col 11, lines 14-44).

12. Claims 8-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doty (6,637,077) in view of Kim (4,971,354) or the France Patent (FR 2,744,997).

Re claims 8-11, 13, and 14, Doty (6,637,077), as presented in sections 5 and 10 above, does not show that the non-adjustable loop *is produced by the method of folding and affixing the strap in a S-curve by sewing, tacking, stitching*. However, Kim (4,971,354) shows a safety belt of strap (12) *being folded as an S-shape by sewing and stitching* (see Figs. 5 and 11) to secure the strap. Moreover, the France Patent (FR 2,744,997) also shows a strap (1) *being folded as an S-shape by sewing and stitching* (see Figs. 3a, 3b, and 4a) as a means to identify or locate the applied length of the strap.

Accordingly, it would have been obvious design choice to provide the loop (34,48) of Doty (6,637,077) to be *produced by the method of folding and affixing the strap in a S-curve by sewing, tacking, stitching* as taught by Kim (4,971,354) or the France Patent (FR 2,744,997) to firmly secure the loop.

Re claims 12, 15-19, it would have been obvious design choice to provide the desired structural dimensional limitations on the modified Doty's securing system to provide a user's friendly and better secured device.

13. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (5,581,853).

Miller et al. (5,581,853), as presented in section 6 above, does not show the structural dimensional limitations (e.g., the loop being from 4 to 12 inches in circumference) and it would have been obvious design choice to provide the desired structural dimensional limitations on the Miller's system to provide a user's preference.

14. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (5,581,853) in view of Kim (4,971,354) or the France Patent (FR 2,744,997).

Miller et al. (5,581,853), as presented in sections 6 and 13 above, does not show that the non-adjustable loop *is produced by the method of folding and affixing the strap in a S-curve by sewing, tacking, stitching*. However, Kim (4,971,354) shows a safety belt of strap (12) *being folded as an S-shape by sewing and stitching* (see Figs. 5 and 11) to secure the strap. Moreover, the France Patent (FR 2,744,997) also shows a strap (1) *being folded as an S-shape by sewing and stitching* (see Figs. 3a, 3b, and 4a) as a means to identify or locate the applied length of the strap. Accordingly, it would have been obvious design choice to provide the loop (18) of Miller et al. (5,581,853) to be *produced by the method of folding and affixing the strap in a S-curve by sewing, tacking, stitching* as taught by Kim (4,971,354) or the France Patent (FR 2,744,997) to firmly secure the loop.

Response to Arguments

15. Applicant's amendment and the arguments presented therewith have been carefully considered. Regarding Hoody (2,592,696) and Prete, Jr. (3,678,542), they are persuasive in light of the amended claims. However, the argument on Plzak (6,295,700) is not persuasive.

Applicant argues that "Plzak does not has a fixed loop independent of primary adjustable loop." The argument is not persuasive. Plzak shows a non-adjustable loop fixed at a

post (646) (Fig. 8) and the loop is independent of the adjustable strap. Applicant adds the functional limitations (e.g., securing an object and adapted to facilitate transporting or hanging an object held by the securing system) to distinguish Plzak's system. However, it is pointed out that Plzak (6,295,700) discloses all the structural limitations and is capable of securing an object and also capable of transporting or hanging an object. Moreover, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

17. Applicant's amendment (the additions of new limitations in claims 1,6, and new claims 10-19 in combination with other claims) necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 3652

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (703) 305-1524. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


PTC

November 24, 2004


EILEEN D. LILLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600